

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

COURTNEY LITTLE and KIMBERLY
JONES, individually and as the Parents of
Minor C.L.

Plaintiffs,

Docket No. _____

v.

PETER STEINHARDT, and LINING AND
COATING SOLUTIONS, LLC

Defendants.

COMPLAINT FOR DAMAGES

Plaintiffs Courtney Little and Kimberly Jones, individually and as the birth parents of their minor child, C.L., by and through counsel, hereby files this Complaint against Defendants Peter Steinhardt and Lining and Coating Solutions, LLC for damages stemming from an automobile collision that occurred in Shelby County, Tennessee on May 8, 2021. As grounds for this cause, Plaintiffs aver:

1. Plaintiff Courtney Little, Kimberly Jones, and their child C.L are residents of Crittenden County, Arkansas.
2. Defendant Peter Steinhardt is upon information and belief a resident of Pinellas County, Florida.
3. Defendant Lining and Coating Solutions, LLC is upon information and belief a Mississippi limited liability company with offices located at 7122 Highway 178, Olive Branch, MS 38654. Defendant Lining and Coating Solutions, LLC may be served on its Registered Agent, Mr. David Upchurch, 2606 Baldwin Road, P. O. Box 8106, Greenwood, MS 38930.

4. The incident that forms the basis this cause occurred in Shelby County, Tennessee, and thus venue is proper in Shelby County, Tennessee.

5. The incident occurred on May 8, 2021 and is thus timely filed.

6. This Court has *in personam* jurisdiction over Defendants because the acts and omission giving rise to this cause were committed in whole or in part in the State of Tennessee.

7. This Court has subject matter jurisdiction over this matter pursuant to Tenn. Code Ann. § 16-10-101 *et seq.*

8. On May 8, 2021, Plaintiff Courtney Little was driving a 2007 Infinity M35 and was stopped in traffic in the right lane on Interstate 40, approximately 1500 feet west of Riverside Dr. Present in the vehicle were Plaintiff Kimberly Jones, and Plaintiff C.L., as well as three other minor children who are not parties of this particular suit.

9. Defendant Peter Steinhardt, driving a 2017 Ford F-350 truck owned by Defendant Lining and Coating Solutions, LLC failed to slow sufficiently and/or failed to pay attention of the way ahead and violently impacted the rear aspect of Plaintiffs' vehicle causing severe physical injuries, as well as property and economic damages to Plaintiffs.

10. Upon information and belief, Plaintiffs allege that at the moment of collision Defendant Peter Steinhardt was operating the above referenced vehicle as an agent, servant, and/or employee of Defendant Lining and Coating Solutions, LLC. Thus, Plaintiffs rely upon Tenn. Code Ann. § 55-10-311 and § 55-10-312 and the common law doctrine of *respondeat superior* and agency, alleging that any negligence on the part of Defendant Peter Steinhardt should be imputed to Defendant Lining and Coating Solutions, LLC.

9. As a direct and proximate result of the negligence of Defendants, Plaintiff sustained personal injuries and other damages and is entitled to compensation from Defendants at law.

COUNT I – Negligence

10. Plaintiffs allege and incorporate the allegations in all preceding paragraphs as if fully set forth herein.

11. Plaintiffs allege that Defendant Peter Steinhardt is guilty of the following acts and/or omissions of common law negligence, which were a direct and proximate cause of Plaintiffs' injuries and resulting damages:

- a. In negligently failing to use that degree of care and caution in the operation of a motor vehicle as was required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the aforementioned collision;
- b. Speeding;
- c. Failure to maintain proper lookout;
- d. Failure to maintain control of the vehicle;
- e. Distracted driving, or failure to devote full time and attention to the operation of the vehicle;
- f. Other acts and/or omissions to be shown at the trial of this cause.

COUNT II – Negligence *per se*

12. Plaintiffs allege and incorporate the allegations in all preceding paragraphs as if fully set forth herein.

13. Defendant violated the following statutes of the State of Tennessee, which were in full force and effect at the time and place of the collision, with such violations constituting negligence *per se*:

- a. TCA § 55-8-103 Required obedience to traffic laws.
- b. TCA § 55-8-124 Following too closely.
- c. TCA § 55-8-136 Drivers to exercise due care.
- d. TCA § 55-10-202 Operating a vehicle contrary to law.

COUNT III – Negligent Entrustment

14. Plaintiffs allege and incorporate the allegations in all preceding paragraphs as if fully set forth herein.

15. Plaintiffs allege upon information and belief, that Defendant Lining and Coating Solutions, LLC had control over the use and operation of the vehicle; knew, or in the exercise of due diligence and reasonable inquiry, should have known that Defendant Peter Steinhardt had a propensity and proclivity to drive in an illegal, unlawful, negligent and/or reckless manner, and despite that knowledge entrusted the vehicle to Defendant Peter Steinhardt.

DAMAGES

16. Plaintiffs allege and incorporate the allegations in all preceding paragraphs as if fully set forth herein.

17. As a direct and proximate result of the above-described breaches of duties, violations of the common law, and statutes by Defendants, Plaintiffs have suffered personal injuries and damages including but not limited to:

- a. Physical bodily damage;
- b. Pain and suffering, past, present, and future;
- c. Past medical expenses:
 - 1) Courtney Little past medicals in excess of \$7,000.00;
 - 2) Kimberly Jones past medicals in excess of \$17,000.00; and

- 3) C.L. past medicals in excess of \$27,000.00
- d. Future medical expenses;
- d. Loss of quality and enjoyment of the normal pleasures of life;
- e. Inconvenience;
- f. Lost wages;
- g. other damages to be proven at trial;

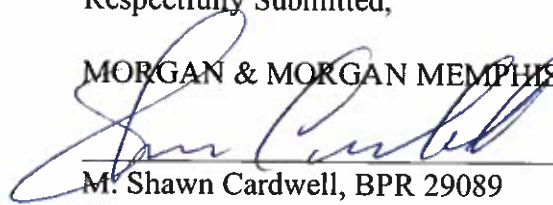
PRAYER FOR RELIEF

WHEREFORE, ON THE GROUNDS AS STATED ABOVE, Plaintiffs respectfully:

1. Demands judgement against the Defendant for damages, to be determined by the jury, in an amount of \$100,000.00 for Plaintiff Courtney Little; \$150,000.00 for Plaintiff Kimberly Jones; and \$200,000.00 for Plaintiff minor C.L., which will fairly compensate Plaintiffs for all general and special damages alleged above caused by the herein averred conduct of Defendants;
2. For trial by jury;
3. For any and all further relief as the Court and jury deem just.

Respectfully Submitted,

MORGAN & MORGAN MEMPHIS, LLC



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